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Local Counsel for Plaintiffs

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

SIERRA CLUB, et al.,)	Case No. 3:08-cv-01409-WHA
)	
Plaintiffs,)	
)	
v.)	DECLARATION OF ED HOPKINS
)	
STEPHEN JOHNSON, et al.,)	
)	
Defendants,)	
)	
and)	
)	
SUPERFUND SETTLEMENTS PROJECT, et al.,)	
)	
Defendant-Intervenors.)	

DECLARATION OF ED HOPKINS
(Case No. 3:08-cv-01409-WHA)

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1 I, ED HOPKINS, declare and state as follows:

2 1. I am over the age of 21 and competent to testify to all matters contained herein. I
3 reside at 5432 Connecticut Avenue, N.W., #404, Washington, D.C. 20015.

4 2. I have been working for the Sierra Club since January 1999, and have been
5 Director of the Environmental Quality Program for the last eight years. I am responsible for the
6 Sierra Club's federal-level work on pollution issues. My work has included research, public
7 education and advocacy on issues related to the Superfund program, the Resource Conservation
8 and Recovery Act, the Toxic Substances Control Act, the Clean Water Act and the Clean Air
9 Act. I am also responsible for the Sierra Club's national volunteer water monitoring program.

10 3. Founded by John Muir in 1892, the Sierra Club works to protect communities and
11 the natural environment from pollution and destruction. It is the nation's largest and oldest
12 grassroots environmental advocacy organization with 1.3 million members and supporters.

13 4. The Sierra Club has a longstanding interest in protecting public health and the
14 environment from contaminated sites, including Superfund sites. We advocate for the rapid
15 clean-up of contaminated sites, for polluters to bear the cost of clean-up, and for policies that
16 would deter future contamination. The Sierra Club has an active Toxics Committee composed of
17 about ten volunteer leaders who develop Club policy and coordinate the toxics-related work of
18 volunteers throughout the country. Many Sierra Club members throughout the country monitor
19 the clean-up activities at Superfund sites affecting their communities. Sierra Club has also
20 produced a number of reports and fact sheets about the Superfund program to inform the public.
21 Some recent materials can be found on-line at [http://www.sierraclub.org/toxics/superfund/](http://www.sierraclub.org/toxics/superfund/report2005.pdf)
22 [report2005.pdf](http://www.sierraclub.org/toxics/superfund/report04/report.pdf) and <http://www.sierraclub.org/toxics/superfund/report04/report.pdf>. This second
23 report deals specifically with the lack of funding for the Superfund clean-up program and the
24 continued exposure of people and the environment as a result of the funding shortfall. I also
25 testified before the House Energy and Commerce Committee's Hazardous Materials
26 Subcommittee in 2001 concerning proposed amendments to the Comprehensive Environmental
27 Response, Compensation and Liability Act ("CERCLA") to create a brownfields clean-up

1 program. In addition to the Superfund program, Sierra Club's chapters and individual members
2 have been involved in environmental advocacy related to mines, smelters, landfills, power plants
3 and cement kilns.

4 5. The Sierra Club also has a nationwide Environmental Justice program, which is
5 designed to provide assistance upon request to minority and low-income organizations in
6 communities disproportionately affected by pollution. This program provides information,
7 resources, and grassroots organizing assistance to communities struggling to clean up and
8 prevent pollution. Recently, for example, Sierra Club worked with a community organization in
9 heavily-polluted Port Arthur, Texas, which was opposing a permit to import PCB waste for
10 incineration. Environmental Justice organizers are located in Arizona, Tennessee, Washington,
11 D.C., Appalachia, Michigan, Louisiana, Minnesota, and on the U.S./Mexican border in Texas.

12 6. The Sierra Club has a strong interest in the timely and complete clean-up of
13 contaminated sites. The longer contaminated sites fester, the greater the likelihood that
14 contamination will spread, increasing the potential for human exposure and pollution of
15 groundwater and other natural resources. In many circumstances, delaying clean-up cannot only
16 prolong exposure, but it can increase clean-up costs. Requiring financial assurance is a fair
17 policy that serves to protect the environment from contamination. If facilities are required to
18 provide financial assurance, then they have a strong incentive to avoid activities that can lead to
19 contamination. Financial assurance also protects taxpayers from having to pay to clean up
20 problems caused by private interests.

21 7. I am aware that U.S. Environmental Protection Agency has failed to write
22 regulations requiring facilities that handle hazardous substances to have financial assurance
23 consistent with the degree and duration of risk associated with the production, transportation,
24 treatment, storage and disposal of hazardous substances. EPA's promulgation of such
25 regulations would go far to speed hazardous site clean-up throughout the U.S. and would provide
26 an incentive for all facilities handling hazardous substances to treat, store, transport and dispose
27 of those substances more responsibly. These regulations are fully consistent with Sierra Club
28

1 policy, which calls for pollution prevention and the need for polluters, not taxpayers, to bear the
2 cost of clean-up.

3 Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true
4 and correct to the best of my knowledge. Executed this 27th day of August, 2008, at Washington,
5 D.C.

6
7 

8
9 _____
ED HOPKINS